

REMARKS

Claims 1-12 and 14-36 are pending in the present application. Claims 1, 14 and 15 have been amended herein, support for which may be found in the prior claim set. Claim 13 has been cancelled. No new matter has been added by way of the present claim amendments.

For the purpose of examination of the present application, Applicants elect, with traverse, Group III. As will become evident, the above amendment to claim 1 (to further require (B) an unctuous agent) has the effect of making all pending claims read upon Group III. In the event that the Examiner disagrees or believes that certain claims do not belong, Applicants stress that at least the remaining claims of Groups I and III (claims 1-3, 9, 10 and 14-36) should be examined in their entirety. However, it will become clear that all pending claims share Unity of Invention.

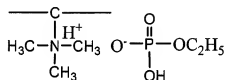
According to MPEP 803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. Since each of the pending claims are now directed to cosmetic components comprising, at least, repeating units (I) and (II) and an unctuous agent, by searching one group the Examiner is necessarily searching the other group. Therefore, it would not be undue burden to search all of the pending claims.

Unity of invention exists when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. Although lack of unity of invention should certainly be raised in clear cases, it should neither be raised nor maintained on the basis of a narrow, literal or academic approach. There should be a broad, practical consideration of the degree of interdependence of the alternatives presented, in relation to the state of the art as revealed by the international search or, in accordance with PCT Article 33(6), by any additional document considered to be relevant. *See* MPEP § 1850.

In the present instance, the Examiner contends that USP 6,225,431 to Bowers et al. (hereinafter "Bowers") discloses a polymer comprising repeating units (I) and (II) according to invention I (Examples 20-22), and thus is not considered a special technical feature. However, Applicants respectfully traverse.

The repeating unit (I) in the present invention has an organopolysiloxane residue A, whereas Example 20, poly(2-(methacryloyloxyethyl)-2'-trimethylammonium)ethyl phosphate inner salt-co-n-dodecylmethacrylate-co-3-chloro-2-hydroxylpropylmethacrylate), does not have an organopolysiloxane residue.

The repeating unit (II) has a group B, phosphorylcholine residue represented by the formula (1), whereas Examples 21 and 22 have a trimethylammonium phosphate group (Col. 44, line 56; Col. 45, line 10), which is represented by the following formula:



Bowers does not disclose a polymer comprising repeating units (I) and (II). Thus, Applicants respectfully submit that the present claims possess Unity of Invention because the repeating units (I) and (II) constitute a special technical feature linking the Groups of presently claimed invention.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Registration No 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
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